THE HONOURABLE SRI JUSTICE GODA RAGHURAM

Writ Petition No.14974 of 2006

Dated: 18th September, 2006

Between:

Vardhanapu Anand.

…..PETITIONER

AND

Commissioner of Endowments, Boggulakunta,
Hyderabad and 3 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE
GODA RAGHURAM

W.P.No.14974 of 2006

ORAL ORDER:

Petitioner is aggrieved by the failure of the respondents 1 to 3 in conducting public auction for grant of leasehold rights of the lands belonging to the 3rd respondent charitable institution.

The 3rd respondent Choultry, according to the petitioner owns an extent of Ac.34.46 cents in Sy.No.376, 378, 379, 456, 458, 460, 384, 385, 390/1 and 391/1 of Peddapuram village and mandal, East Godavari District.

Public auction for grant of leasehold rights of land in question is stated to have been scheduled on 15-5-2006. The petitioner states that the 3rd respondent has however failed to publish the auction notification. This is a substantive grievance in the writ petition.

Responding to the petitioner's allegations, the Executive Officer of the 3rd respondent has filed a counter affidavit stating that he had issued auction notification on 4-5-2006 and the same was published by *tom tom* in Peddapuram Town on 6-5-2006,
10-5-2006 and 15-5-2006. 16 persons participated in the auction conducted on 15-5-2006. Several bids were received for several

extents of land except a few. Insofar as an extent of Ac.4.47 cents in Sy.No.376, 378, there were no participants in the auction. The tenants of this extent filed W.P.No.16273 of 2005 in which an interim order was granted that any auction conducted by the Executive Officer shall be subject to further orders in the miscellaneous petition. When the 3rd respondent communicated the bids received to the 2nd respondent for his approval as required under the statutory Rules, the 2nd respondent in his proceedings dated 20-5-2006 declined grant of approval and directed the

3rd respondent to conduct an auction afresh after giving wide publicity in surrounding villages. Pursuant to the above order of the 2nd respondent, the 3rd respondent issued notices to the several bidders in the earlier auction to take back their deposited amounts. Others claiming to be cultivating tenants of the lands have also filed several writ petitions. In view of the pendency of the several petitions he could not conduct re-auction of the lands though the earlier auction process was eschewed on the directions of the 2nd respondent.

It is stated by the learned counsel appearing for the 3rd respondent institution that as the agricultural season has commenced this year, the 3rd respondent in consultation with the respondents 1 and 2, has decided not to hold auction for grant of lease hold rights this year as no competitive bids would be received; the 3rd respondent would himself supervise cultivation of the agricultural lands of the 3rd respondent for this year; and that public auction would be conducted for grant of lease hold rights for the land in question, in the next year.

Recording the above submission, the writ petition is disposed of directing the respondents 1 to 3 to ensure that the lands of the 3rd

respondent endowment institution shall be put to a public auction for grant of lease hold rights, well before the commencement of the agricultural season in 2007, after notifying the schedule for the conduct of the public auction widely as mandated by the procedure prescribed in the

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003. The

1st respondent is directed to ensure adequate level of monitoring of the process of public auction and grant of lease of the 3rd respondent devasthanam's lands for the year 2007 by calling upon the 2nd respondent to furnish periodical reports for the said purpose. No costs.

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(GODA RAGHURAM,J)

Date:18th September, 2006.
GRK